

VILLAGE OF CLOUDCROFT

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft held on Tuesday, November 10, 2020 at 6:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft, NM.

Mayor Denney called the meeting to order at 6:00 p.m. with the following Council members providing a full Quorum:
Present/absent:

- Trustee – George Mitchell - present
- Trustee – John Tieman – present
- Trustee – James Maynard – present
- Trustee – Bruce Smaga - present

The following Village staff and guests were present: Barbara K. Garcia, Village Clerk/Treasurer; Kevin Summers, Chief of Police Village of Cloudcroft; Lisa Wojcik, VOC Library Director; Gilbert Garcia, self; Jim Dowding, Planning & Zoning; Paula Dowding, Friends of Zenith Park; Jessie Willett, Forest Service; Jessica Beach, Jeremy Adams, Michael Adams, Ski Cloudcroft. (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor Denney. (Item #2)

APPROVAL OF AGENDA:

Mayor Denney entertained a motion to approve the Agenda for the Regular Council Meeting of November 10, 2020 as presented. Trustee Tieman made such motion, Trustee Mitchell seconded the motion and upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously. (Item #3)

APPROVAL OF MINUTES:

Mayor Denney entertained a motion to approve the Minutes of the Special Council Meeting of October 9, 2020 and Regular Council Meeting of October 13, 2020. Trustee Maynard made such motion to approve as written, Trustee Mitchell seconded the motion and upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously. (Item #4)

ANNOUNCEMENTS/DISCUSSION: *Appointment of Nathan Tompkins to the P&Z Commission:* Mayor Denney recommended for Nathan Tompkins, the owner of Black Bear Coffee to be appointed to the P&Z commission, Trustee Smaga requested if there was someone from the P&Z commission to make a comment? Jim Dowding, chair of the P&Z commission explained that it had been discussed and approved. Trustee Smaga made a motion to approve the appointment of Nathan Tompkins to the Planning & Zoning Commission, Trustee Maynard seconded the motion and with further discussion from Trustee Mitchell requesting to know if Mr. Tompkins lives in the Village? It was confirmed that he does, and with no further discussion a vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously.

Update on proposed purchase of tent/tents for Village of Cloudcroft: Mayor Denney advised that to his understanding the Chamber of Commerce is not interested in taking charge of this. Trustee Maynard spoke to advise that we seem to get hung up on who is going to take charge of this and who will be putting them up and taking down and renting out. He expressed concerns that with Covid-19 continuing to plague the Village he felt that we must be ready for a repeat next summer. He would like to propose creating a budget item for the purchase of tents up to \$20,000. As a budget item it would be in place for any expenditures that the board may decide on. Trustee Maynard discussed set up and take down long term and short term and how this could be addressed later as they come up it and could be approached incrementally. Mayor Denney requested that this be put on the agenda for December discussion/action. Trustee Smaga requested if we have ever determined where we would fund this from? Mayor Denney explained that we have not and that these questions would have to be answered prior to the line item being established. (Item #5)

MAYOR'S REPORT: Mayor Denney advised that he has reviewed locations and discussed several times with staff and Trustees, and he has come to the determination that the Police Department will be located at the Maintenance yard. The cost of other locations is prohibitive at this point and this will allow for the development of other locations with the possible move of the PD at time of development due to keeping the cost for build to a minimum at this time. The metal building could be repurposed at that time if need be. (Item #6)

REPORTS: *"Friends of Zenith Park" – Paula Dowding Reports for October 2020:* Paula Dowding presented the council members with a packet that had been prepared of the condition of the park and what work had been done to this point. She reviewed the packet with the council and Jessie Willet with the Forest Service gave a brief discussion on their assistance in identifying areas and vegetations that could be removed. Mayor Denney expressed for the record that he did not want any trees cut down by either professional sawyers or the volunteers. If the group wishes to identify them for the Village that is fine, but the Village will take care of them. The "Friends" may trim branches and clean trash however nothing major is to be done. Mrs. Dowding was advised to report to the Village Office any concerns and they would be taken care of. Mayor Denney advised that he have Jubal Hall involved in an inspection and removal of logs that are currently lining the park.

Report Ski Cloudcroft – Jeremy & Michael Adams – The Adams were present and gave a written report as well as verbal as to the progress at the resort and that inspections are almost complete. The lift has been moved and they will be working on the mountain clean up next. They are currently waiting on the Governor to decide if they will be able to open this year and are working on Covid-19 operational plans.

REPORTS: Trustee Mitchell questioned one expenditure for MAS and was advised that the clerk would pull the invoice and return an answer to him on Thursday, the 11th. Trustee Smaga requested an update on the water audit and was advised that Jini was working with the company to get this started. Mayor Denney entertained a motion to approve the reports of October 2020. Trustee Maynard made such motion to approve, Trustee Mitchell seconded the motion and upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously. (Item #7)

ADMINISTRATORS REPORT: No report given as administrator could not be present (Item #8)

UNFINISHED BUSINESS: *Discussion/Action: Construction & Location of a Dog Park –* A map of the location scouted by Public Works and Administrator was provided and reviewed. Mayor advised that liability is the same as any other property that we hold. Discussion ensued regarding the proposed location, fencing, grade of the land. Mayor advised that it would be designed after a location is decided on. Parks and Recreation has put in ideas and Jini is gathering all. Signage would be covered to ensure safety. Mayor advised \$5000 was the budget amount due to the donation that will be forth coming. Trustee Maynard and Smaga requested that it be staked out so that they can view the location. Chief Summers was questioned on if they would have to respond to calls and he stated that it would be calls based on the dog biting a human vs dog on dog. Injury of Elk and aggressive dogs were discussed in relation to size of fencing needed.

Discussion/Action: Ratification of Finding of Fact and Conclusions of Law – Zoning Case #RZ-2019-03 – The clerk explained that this ratification we needed due to not being able to locate the originals. Jini recreated based on the recording of the meeting. Trustee Maynard and Smaga stated that they would need to abstain as they were not part of the council at that time. Clerk advised that a vote could be taken with Mayor Denney voting to break a tie if needed.

Mayor Denney entertained a motion to approve Ratification. Trustee Mitchell made such motion, Trustee Tieman seconded and with no further discussion a roll call vote was taken.

- Trustee Mitchell - Aye
- Trustee Maynard – Abstained
- Trustee Tieman – Aye
- Trustee Smaga – Abstained
- Mayor Denney - Aye

The motion carries with three (3) votes to aye and 2 votes abstaining.

Discussion/Action: *Ratification of Minutes for Public Hearing held on May 7, 2019.* Trustee Maynard and Smaga stated that they would need to abstain as they were not part of the council at that time. Clerk advised that a vote could be taken with Mayor Denney voting to break a tie if needed.

Mayor Denney entertained a motion to approve Ratification. Trustee Mitchell made such motion, Trustee Tieman seconded and with no further discussion a roll call vote was taken.

- Trustee Mitchell - Aye
- Trustee Maynard – Abstained
- Trustee Tieman – Aye
- Trustee Smaga – Abstained
- Mayor Denney - Aye

The motion carries with three (3) votes to aye and 2 votes abstaining. (Item #9)

NEW BUSINESS: **Discussion/Action:** *Add language to Village Code 4-2-1 or appropriate code to address weed control at places of commercial businesses.* Mayor Denney informed the council that due to Mrs. Turi and Attorney Rhodes absence at the meeting we will postpone to the December regular council meeting for their input. Trustee Smaga made a motion to postpone to the December council meeting, Trustee Maynard seconded the motion and with no further discussion upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously.

Discussion/Action: *To Amend 9.2.1 of the Village Code to address Duties of Code Enforcement Official and to address enforcement procedures.* Mayor Denney informed the council that due to Mrs. Turi and Attorney Rhodes absence at the meeting we will postpone to the December regular council meeting for their input. Trustee Tieman made a motion to postpone to the December council meeting, Trustee Maynard seconded the motion and with no further discussion upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously.

Action: *Approval Open Meetings Act Governing Body Resolution No. 2020.25* – Mayor Denney explained that this is a resolution that must be done each year by state mandate. Trustee Smaga made a motion to approved Open Meetings Act Governing Body Resolution No. 2020.25, Trustee Maynard seconded and with no further discussion a roll call vote was taken.

- Trustee Mitchell - Aye
- Trustee Maynard – Aye
- Trustee Tieman – Aye
- Trustee Smaga – Aye

The motion carries unanimously. (Item #10)

BILLS & TREASURER'S REPORT: *Acknowledgment of October 2020 Bills Paid and Report.* Mayor Denney entertained a motion to acknowledge the bills and treasurers report. Trustee Mitchell made such motion to approve, Trustee Tieman seconded the motion and upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously. (Item #11)

ADJOURNMENT: Trustee Mitchell questioned if we have obtained everything that we need to finalize the Ski Cloudcroft Lease. Mayor Denney advised that we still need to have a workshop to go through the lease, however we do have them in a current license so that they may open. Please review notes and provide input to Mayor and or Attorney. Mayor Denney called for a motion to adjourn the Regular Council Meeting of November 10, 2020, Trustee Mitchell made such motion to approve, Trustee Tieman seconded the motion and upon vote of Trustees Mitchell, Maynard, Tieman and Smaga all voting "aye" the motion carried unanimously and the meeting was adjourned at 7:12 pm. (Item #12)

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Regular Council Meeting
November 10, 2020




Barbara K. Garcia, CPO
Village Clerk/Treasurer


William M. Denney
Mayor